

**TEMPORARY**

NO. 63395

**T**

**APPLICATION FOR PERMISSION TO CHANGE POINT OF  
DIVERSION, MANNER OF USE AND PLACE OF USE OF THE  
PUBLIC WATERS OF THE STATE OF NEVADA  
HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office AUG 28 1997

Returned to applicant for correction \_\_\_\_\_

Corrected application filed \_\_\_\_\_

Map filed NOV 15 1996 under 62513

\*\*\*\*\*

The applicant **Barker Homes, Inc.**, hereby makes application for permission to change the **Point of Diversion and Place Use** of water heretofore appropriated under portions of Claims 153, 165, 166, 167, 168 and 179 of the Truckee River Decree, said Decree entered by the District Court of the United States for Nevada in that certain action entitled "The United States of America vs. Orr Water Ditch Company, et al., Defendants", in Equity Docket A-3.

\*\*\*\*\*

1. The source of water is **Truckee River by Last Chance Ditch**, as decreed
2. The amount of water to be changed **30.22 afa** and a prorata share of the **diversion rate**
3. The water to be used for **As decreed**
4. The water heretofore permitted for **As decreed**
5. The water is to be diverted at the following point within the **NE¼** of the **SW¼** of Section 17, T.19N., R.19E., M.D.M., or at a point from which the SW corner of said Section 17 bears South 44°40' West a distance of 3211 feet. For proposed point of diversion, this application, see existing point of diversion for Orr Ditch on map supporting Application No. 62513.
6. The existing permitted point of diversion is located within the **SE¼** of the **NE¼** of Section 14, T.19N., R.18E., M.D.M., or at a point from which the Northeast corner of said Section 14 bears North 24°26' East a distance of 1840 feet. Last Chance Ditch per Orr Ditch Decree. See Map No. 58810 for existing point of diversion, this application.
7. Proposed place of use within the South half (**S½**) and Northeast quarter (**NE¼**) of Section 11, T.20N., R.20E., M.D.M.. See map supporting Application No. 62513.
8. Existing place of use See attached Exhibit "A". Also refer to map supporting Application No. 63025 filed May 20, 1997 in the Office of the Nevada State Engineer. (A total of 6.84 acres is being stripped by this application.)
9. Use will be from **As Decreed** to **As Decreed** of each year.
10. Use was permitted from **As Decreed** to **As Decreed** of each year.
11. Description of proposed works **Works are existing.**
12. Estimated cost of works **None. Works are existing.**
13. Estimated time required to construct works **None. Works are existing.**
14. Estimated time required to complete the application of water to beneficial use **1 year**

63395-T

15. Remarks: This application would allow the use of decreed waters from the parcels depicted on map No. 63025 for use "as decreed" within the proposed place of use depicted on map supporting application No. 62513.

By s/ George G. Lindesmith  
George G. Lindesmith  
Tri State Surveying 1925 E. Prater Way  
Sparks, Nevada 89434

Compared cl/jr

Protested \_\_\_\_\_

\*\*\*\*\*

\_\_\_\_\_  
OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

WITHDRAWN BY *agent* OCT 01 1997  
*[Signature]*  
STATE ENGINEER

**EXHIBIT "A"**  
**EXISTING PLACE OF USE**

<b>Diversion</b>	<b>40-acre Sub'n.</b>		<b>Section</b>	<b>Township</b>	<b>Range</b>	<b>Claim #</b>	<b>APN</b>	<b>ACREAGE</b>	<b>DUTY</b>
Last Chance Ditch	SW	SE	15	19N	19E	153	10-321-03	0.170	0.77
	SE	SW	15	19N	19E	153	10-442-52	0.346	1.55
	SE	SW	15	19N	19E	153	10-442-54	0.344	1.55
	SW	SW	14	19N	19E	165	14-142-13	0.469	2.11
	NE	NW	22	19N	19E	166	18-101-06	0.281	1.26
	NE	NW	22	19N	19E	166	18-101-07	0.317	1.43
	NE	NW	22	19N	19E	166	18-101-12	0.291	1.31
	NE	NW	22	19N	19E	166	18-101-13	0.291	1.31
	NE	NW	22	19N	19E	167	18-102-17	0.300	1.35
	NE	NE	22	19N	19E	168	18-061-14	0.349	1.57
	NE	NE	22	19N	19E	168	18-062-03	0.388	1.75
	NE	NE	22	19N	19E	168	18-063-11	0.346	1.56
	NE	NE	22	19N	19E	168	18-134-01	0.400	1.80
	NE	NE	22	19N	19E	168	18-134-12	0.330	1.48
	NE	NW	26	19N	19E	179	23-121-36	1.43	6.07
	NE	NE	26	19N.	19E.	179	23-131-58	0.788	3.35
<b>TOTALS</b>								<b>6.840</b>	<b>30.22</b>